

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
3:20-CV-30003-MGM

MICHAEL A. MONDELLI,
Plaintiff

v.

EDWARD WIERZBOWSKI,
Defendant

**DEFENDANT, EDWARD WIERZBOWSKI'S MOTION TO STRIKE PLAINTIFF'S
EXPERT REPORT OF GEORGE W. MELCHIOR AND TO PRECLUDE THE OPINIONS
EXPRESSED THEREIN FROM BEING INTRODUCED INTO EVIDENCE**

Now comes the defendant, Edward Wierzbowski, and moves this Honorable Court for an order striking the plaintiff, Michael Mondelli's expert report of George W. Melchior. In support of this motion, the defendant, Edward Wierzbowski state that George W. Melchior's opinions are not sufficiently supported by reliable methodology or data, are not relevant to the facts at issue in the case, and are otherwise improper. See Ed Peters Jewelry Co. v. C & J Jewelry Co., 124 F.3d 252, 259 (1st Cir. 1997) (proffered expert opinion must "rest on a reliable foundation and is relevant to the facts of the case"). In further support of this motion, Mr. Wierzbowski relies on the memorandum of law filed herewith.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(2)

Undersigned counsel for Mr. Wierzbowski certifies that they have conferred in good faith with counsel for the plaintiff, Micheal A. Mondelli, pursuant to Local Rule 7.1(a)(2), prior to the filing of this Motion. The parties were unsuccessful in resolving or narrowing the dispute.

REQUEST FOR REPLY PURSUANT TO LOCAL RULE 7.1(b)(3)

Mr. Wierzbowski, pursuant to Local Rule 7.1(b)(3), respectfully requests leave of Court to file a reply brief in support of this Motion, following a response from the plaintiff.

REQUEST FOR ORAL ARGUMENT PURSUANT TO LOCAL RULE 7.1(d)

Mr. Wierzbowski, pursuant to Local Rule 7.1(d), respectfully requests oral argument on this Motion, as oral argument will assist the Court in understanding, evaluating, and deciding questions of law.

WHEREFORE, the defendant, Edward Wierzbowski, prays this Honorable Court for an order striking the plaintiff, Michael Mondelli's proposed expert report of George W. Melchior, precluding the opinions expressed therein from being introduced into evidence.

Respectfully Submitted,
The Defendant,
Edward Wierzbowski,
By His Attorneys,

/s/ Thomas B. Farrey, III

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CERTIFICATE OF SERVICE

I, Thomas B. Farrey, III and John T. Farrey, hereby certify that this document(s) was electronically mailed to Scott E. Charnas, Esquire, 455 E. 51st Street, New York, NY, 10022, David R. Cain, Esquire, Sherry Black, Geller & Cain, 200 Berkeley Street, 16th Floor, Boston, MA, 02116 and Thomas Lesser, Esquire, Lesser, Newman, Souweine & Nasser, Esquire, 39 Main Street, Northampton, MA, 01060.

DATED: October 4, 2021

/s/ Thomas B. Farrey, III

THOMAS B. FARREY, III